unpatentable over Humpleman, et al. (U.S. Patent No. 6,801,507), hereinafter referred to as

Humpleman, in view of Vellanki, et al. (U.S. Patent No. 5,999,979), hereinafter referred to as

Vellanki. Claims 3-5, 8-10, 13-15 and 18-20 stand rejected under 35 U.S.C. §103(a) as being

unpatentable over Humpleman, in view of Vellanki, and in further view of Fidler (U.S. Patent

No. 6,725,051). Applicants respectfully traverse these rejections based on the following

discussion.

A.   The Rejection Based on Humpleman in view of Vallanki

Humpleman discloses the ability of a graphic user interface to display icons relating to

devices that are connected to a certain network. Vellanki provides disclosure relating to selection

of the best protocol, among available protocols for use in communicating with a server.

However, the combination of these two disclosures does not teach or suggest the claimed ability

to change "an appearance of a user interface depending upon which secondary devices are in

physical proximity to said primary device" as defined by independent claims 1, 6, 11, and 16.

More specifically, the invention changes the appearance of the graphic user interface depending

upon which devices are in physical proximity to the device. Therefore, the inventive device will

recognize that it is in physical proximity to certain other devices and change the graphic user

interface to provide prominent display of controls that allow operation of those devices in close

physical proximity, while at the same time removing or minimizing controls for devices that are

not in close physical proximity.   One advantage provided by the invention is the ability for a

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primary device to reconfigure itself without user intervention each time the device is moved to a new environment or each time the environment changes. Reconfiguration allows expanded flexibility of a primary device by adapting it to the environment it is currently in or to changes in that environment. Reconfiguration also facilitates ease of use as the user interface can be adapted to only include information relevant to the current environment.

Humpleman discloses a home computer network that includes one or more graphic user interfaces (remote control devices) that have the capability to display an icon related to each different device that is connected to the home computer network. Further, Humpleman allows different remote control devices to display the icons differently. For example, Humpleman explains that icons that are directly related to the remote control device (similar brand devices as the remote control device) can produce a more prominent icon as compared to other devices connected to the home network (column 3, lines 19-42; column 29, lines 40-51). There is nothing within Humpleman that would lead one ordinarily skilled in the art to provide a graphic user interface that has the ability to modify its appearance, depending upon which surrounding devices are close and which surrounding devices are distant, as in the claimed invention. Instead, Humpleman merely detects which devices are connected to the network and modifies the graphic user interface to display all such devices (although some devices can be displayed more prominently depending upon brand recognition).

Vellanki permits a client computer in a client-server architecture computer network to automatically detect the most advantageous protocol, among the protocols available, for use in communicating with a server, irrespective of firewalls or proxies in the network (column 2, lines 09/896,747

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1-5). Similarly, there is nothing contained within Vellanki that would lead one ordinarily skilled in the art to provide a graphic user interface that has the ability to modify its appearance, depending upon which surrounding devices are close and which surrounding devices are distant, as in the claimed invention. Therefore, it is Applicants position that no combination of Humpleman and Vellanki would teach or suggest the claimed invention.

More specifically, the proposed combination of Humpleman and Vellanki does not teach or suggest the claimed ability to change "an appearance of a user interface depending upon which secondary devices are in physical proximity to said primary device" as defined by independent claims 1, 6, 11, and 16. Therefore, Applicants submit that independent claims 1, 6, 11, and 16 are patentable over the proposed combination of Humpleman and Vellanki. Further, dependent claims 2-5, 7-10, 12-15, and 17-20 are similarly patentable, not only because they depend from a patentable independent claim, but also because of the additional features of the invention they define. In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw this rejection.

B.   The Rejection Based on Humpleman in view of Vallanki and Fidler

The deficiencies of Humpleman and Vellanki are shown above. The additional applied reference in this rejection, Fidler, does not cure these deficiencies because Fidler only provides the teaching of utilizing global positioning system (GPS) information to determine a device's global location and does not provide a teaching that would lead one ordinarily skilled in the art to

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provide a graphic user interface that has the ability to modify its appearance, depending upon which surrounding devices are close and which surrounding devices are distant, as in the claimed invention.

More specifically, Fidler discloses a method for obtaining location data for use by a peripheral device that queries portable second devices that are near the peripheral device and have real-time location systems (RTLS) capabilities (abstract) where the RTLS capabilities are more commonly known as global positioning system (GPS) capabilities (column 1, lines 51-54). Thus, Fidler discloses a system whereby peripheral devices that may not be GPS capable, have the ability to obtain GPS information from secondary devices that are GPS capable. In other words, Fidler provides an additional way for a device to find its global location through GPS type systems. However, this teaching would not motivate one ordinarily skilled in the art to modify a graphic user interface depending upon the devices that are in close proximity to the graphic user interface. There is no teaching among the combined three references (or any other prior art of record) of the claimed ability to change "an appearance of a user interface depending upon which secondary devices are in physical proximity to said primary device" as defined by independent claims 1, 6, 11, and 16.

Therefore, it is Applicant's position that independent claims 1, 6, 11, and 16 are patentable over the prior art of record, further, dependent claims 2-5, 6-10, 12-15, and 17-20 are similarly patentable, not only because they depend from a patentable independent claim, but also because of the additional features of the invention they define. In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw this rejection.

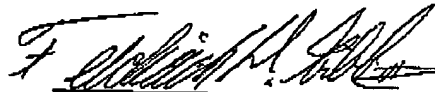09/896,747

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III. Formal Matters and Conclusion

In view of the foregoing, Applicants submit that claims 1-20, all the claims presently pending in the application, are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary.

Please charge any deficiencies and credit any overpayments to Attorney's Deposit Account Number 09-0458.

Respectfully submitted,

Dated: 3-1-05

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